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REMARKS

This application is a continuation of U.S. Serial No. 09/100,707 (the "'707 application"). An appeal brief was originally due on November 28, 2001 in connection with the '707 application. Applicant is filing a petition for a three-month extension of time, concurrently herewith, for filing the appeal brief. Accordingly, the '707 application is pending today and this continuation application is being timely filed.

Amendments

By this Preliminary Amendment, applicant has amended the specification to incorporate a reference to the prosecution history of this application. Applicant has also canceled claims 1-89 without prejudice, and has added new claims 90-163. Accordingly, claims 90-163 are pending in the subject application.

Support for new claim 90 is found in the specification at, *inter alia*, page 5, lines 3-19. Support for new claims 91-96 is found in the specification at, *inter alia*, page 5, lines 21-24. Support for new claim 98 is found in the specification at, *inter alia*, page 5, lines 28-34. Support for new claim 99 is found in the specification at, *inter alia*, page 6, lines 16-22. Support for new claims 100-101 is found in the specification at, *inter alia*, page 6, lines 25-29. Support for new claims 102-105 is found in the specification at, *inter alia*, page 6, lines 31-35.

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Support for new claim 106 is found in the specification at, *inter alia*, page 6, line 35 and page 7, lines 1-2. Support for new claim 107 is found in the specification at, *inter alia*, page 7, lines 1-2. Support for new claims 108-114 is found in the specification at, *inter alia*, page 7, lines 2-7. Support for new claims 115-153 is found, *inter alia*, in claims 29-67 as filed, respectively. Support for new claim 154 is found in the specification at, *inter alia*, page 5, lines 1-24. Support for new claim 155 is found in the specification at, *inter alia*, page 5, lines 9-13. Support for new claim 156 is found in the specification at, *inter alia*, page 5, lines 21-24. Support for new claim 157 is found in the specification at, *inter alia*, page 6, lines 16-20. Support for new claim 158 is found in the specification at, *inter alia*, page 6, lines 1-7. Support for new claims 159-160 is found in the specification at, *inter alia*, page 6, line 35 and page 7, lines 1-2. Support for new claim 161 is found in the specification at, *inter alia*, page 5, lines 15-19. Support for new claim 162 is found in the specification at, *inter alia*, page 7, lines 19-35. Support for new claim 163 is found in the specification at, *inter alia*, page 6, line 35 and page 7, lines 1-17.

Applicant maintains that the introduction of new claims 90-163 does not raise an issue of new matter.

Information Disclosure Statement

In accordance with his duty of disclosure under 37 C.F.R. §1.56,

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applicant directs the Examiner's attention to the following references which are listed on the PTO-1449 form attached hereto as **Exhibit A**.

Copies of the references listed below are not being submitted, as the references may be found in priority applications U.S. Serial No. 08/409,644, filed March 24, 1995, and U.S. Serial No. 08/853,000, filed May 8, 1997.

1. U.S. Patent Serial No. 5,971,124, issued to Kumar on June 15, 1999;
2. U.S. Patent Serial No. 5,871,921, issued to Landergen et al. on February 16, 1999;
3. U.S. Patent Serial No. 5,866,337, issued to Schon on February 2, 1999;
4. U.S. Patent Serial No. 5,795,714, issued to Cantor et al. on August 18, 1998;
5. U.S. Patent Serial No. 5,656,462, issued to Keller et al. on April 12, 1997;
6. U.S. Patent Serial No. 5,506,212, issued to Hoke et al. on April 9, 1996;
7. U.S. Patent Serial No. 4,959,312, issued to Sirotkin September 25, 1990;

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8. PCT International Application No. WO 92/17484, Kool, E.T.
March 26, 1992;
9. PCT International Application No. WO 95/22623, Landegren et
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Medicine, 1(9):902-909, 09/1995;
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20. Matthews, (1988), Analytical Strategies for use of DNA probes, *Anal. Biochem.* 169: 1-25;
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Applicant requests that the Examiner review the publications and make them of record in the subject application.

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If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invites Examiner to telephone at the number provided below.

No fee, other than the enclosed \$1164.00 application fee, is deemed necessary. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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